

STATE OF MINNESOTA
IN COURT OF APPEALS

A22-0668



Gideon Charles Arrington, II, petitioner,

Appellant,

vs.

State of Minnesota,

Respondent.

ORDER OPINION

Anoka County District Court
File No. 02-CR-13-8457

Considered and decided by Gaïtas, Presiding Judge; Worke, Judge; and Jesson, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Appellant Gideon Charles Arrington, II, appeals from the district court's denial of his fourth postconviction challenge to his 2014 conviction for first-degree criminal sexual conduct. We affirm.

2. In 2013, respondent State of Minnesota charged Arrington with three counts of first-degree criminal sexual conduct and one count of kidnapping. Pursuant to a plea agreement, Arrington entered an *Alford* plea¹ to one count of first-degree criminal sexual

¹ An *Alford* plea allows a defendant to plead guilty while maintaining innocence of the charged offense. *State v. Goulette*, 258 N.W.2d 758, 760-61 (Minn. 1977) (discussing *North Carolina v. Alford*, 400 U.S. 25 (1970)).

conduct and waived his right to a jury trial on the presence of aggravating factors.² In exchange, the state dismissed the remaining charges and agreed to pursue an aggravated sentence of no more 324 months' imprisonment. The district court sentenced Arrington to 324 months in prison.

3. Following his conviction, Arrington directly appealed to this court, challenging the duration of his sentence. We affirmed. *See State v. Arrington*, No. A14-1945, 2016 WL 102476, at *1, *2 (Minn. App. Jan. 11, 2016) (*Arrington I*) (affirming Arrington's sentence because it did not unduly exaggerate the criminality of his conduct), *rev. denied* (Minn. Mar. 29, 2016).

4. Subsequently, Arrington sought postconviction relief on three separate occasions. The district court denied each of Arrington's petitions for postconviction relief, Arrington appealed from each denial, and this court affirmed. *See Arrington v. State*, No. A17-0695, 2018 WL 1247212, at *2-5 (Minn. App. Mar. 12, 2018) (*Arrington II*) (affirming district court's denial of Arrington's postconviction petition, which alleged that his plea was invalid because his trial counsel was ineffective and the plea was not accurate, voluntary, and intelligent, and declining to consider other claims that were either procedurally barred or waived), *rev. denied* (Minn. May 29, 2018); *State v. Arrington*, No. A20-1538 (Minn. App. June 21, 2021) (order op.) (*Arrington III*) (affirming district court's conclusion that the newly-discovered-evidence-exception did not apply to Arrington's

² In *Blakely v. Washington*, the United States Supreme Court held that a criminal defendant has a right to a jury determination on any fact that is used to aggravate the defendant's sentence. 542 U.S. 296, 301-04 (2004); *see also State v. Dettman*, 719 N.W.2d 644, 647-48 (Minn. 2006) (applying this decision in the context of Minnesota's sentencing scheme).

claim that some evidence was falsified because such a claim was time-barred under Minn. Stat. § 590.01, subd. 4(c) (2020), and *Knaffla*-barred), *rev. denied* (Minn. Sept. 12, 2021); *Arrington v. State*, No. A21-1730 (Minn. App. Jan. 25, 2022) (order op.) (*Arrington IV*) (denying Arrington’s petition for a writ of mandamus because the district court did not abuse its discretion by characterizing his motion to correct sentence as a postconviction petition, and by denying the motion as time-barred and *Knaffla*-barred).

5. Arrington then filed three motions in the district court that he labeled as requests “for rule 27.03, subdivision 9,” relief. These are the motions at issue here. In these three motions, Arrington argued that his sentence was unauthorized and must be corrected because the district court’s finding of aggravating factors was based on “fraudulent” evidence.

6. The district court denied the motions, concluding that they involved the same issues that Arrington had unsuccessfully raised in a previous postconviction proceeding. The district court also observed that, following its denial of Arrington’s previous postconviction petitions, this court had denied Arrington’s request for a writ of mandamus. *See Arrington IV*, No. A21-1730 (Minn. App. Jan. 25, 2022) (order op.).

7. “A court’s prior ruling on a controlling legal issue becomes law of the case for subsequent proceedings.” *State v. Larose*, 673 N.W.2d 157, 161 (Minn. App. 2003), *rev. granted* (Minn. Feb. 25, 2004) and *ord. granting rev. vacated* (Minn. Aug. 17, 2004). The “[l]aw-of-the-case doctrine ‘commonly applies to issues decided in earlier stages of the same case.’” *State v. Miller*, 849 N.W.2d 94, 98 (Minn. App. 2014) (quoting *In re Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990)). Under this doctrine, “when a

court decides upon a rule of law, that decision should continue to govern the same issues in subsequent stages in the same case.” *Id.* (emphasis omitted) (quoting *Arizona v. California*, 460 U.S. 605, 618 (1983)). And those issues “may not be relitigated or reexamined.” *Larose*, 673 N.W.2d at 161 (quotation omitted).

8. Here, in denying Arrington’s motions, the district court implicitly relied on the law-of-the-case doctrine. *See Smith v. State*, 974 N.W.2d 576, 582 (Minn. 2022) (“[A]lthough the district court did not explicitly apply the law of the case doctrine to Smith’s claim that the double upward durational departure unfairly exaggerated his criminality, the doctrine plainly bars that claim as well.”).

9. On appeal, Arrington does not challenge the application of the law-of-the-case doctrine. He simply restates his argument that his sentence was unauthorized because the sentencing court’s finding of aggravating factors was based on “fraudulent” evidence.

10. We agree that the law-of-the-case doctrine bars the claims that Arrington raised before the district court and now raises on appeal. Because the district court and this court previously rejected Arrington’s argument that his sentencing departure was unlawful because the aggravated factors were based on “fraudulent” evidence, the law-of-the case doctrine precludes Arrington from relitigating this issue.

11. Even if Arrington’s arguments were not barred by the law-of-the-case doctrine, based on our careful review of the record, we conclude that the issues are both barred from consideration by the two-year time limit for petitions for postconviction relief, Minn. Stat. § 590.01, subd. 4 (2020), and by *State v. Knaffla*, 243 N.W.2d 737, 741 (Minn. 1976).

IT IS HEREBY ORDERED:

1. The district court's order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: 11/14/2022

BY THE COURT



Judge Theodora Gaïtas